

**AMENDMENTS TO THE DRAWINGS**

Attached hereto are three (3) sheets of corrected formal drawings. The corrected formal drawings incorporate the following drawing changes:

**In Figs. 1-3, the legend "Related Art" has been added.**

It is respectfully requested that the corrected formal drawings be approved and made a part of the record of the above-identified application.

Attachment: Replacement sheets

### **REMARKS**

Applicant appreciates the Examiner's thorough consideration provided the present application. Claims 1-17 are now present in the application. The drawings and claims 1, 2, 8, 9, 14 and 15 have been amended. Claims 16 and 17 have been added. Claims 1 and 9 are independent. Reconsideration of this application, as amended, is respectfully requested.

### **Priority Under 35 U.S.C. §119**

Applicant thanks the Examiner for acknowledging Applicant's claim for foreign priority under 35 U.S.C. §119, and receipt of the certified priority document.

### **Drawings Objections**

The drawings have been objected to due to the lack of a legend in FIGs. 1-3 such as "Related Art." Applicant has submitted three (3) sheets of corrected formal drawings to address the Examiner's requested changes. Reconsideration and withdrawal of this objection are respectfully requested.

### **Claim Rejections Under 35 U.S.C. §§ 102 & 103**

Claims 1-4, 6, 7 and 9-14 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Takeda, U.S. Patent No. 7,095,691 (hereinafter "Takeda"). Claims 5, 8 and 15 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Takeda in view of Ogawa, U.S. Patent No. U.S. Patent Application Publication No. US 2003/0161237 (hereinafter "Ogawa"). These rejections are respectfully traversed.

Complete discussions of the Examiner's rejections are set forth in the Office Action, and are not being repeated here.

In light of the foregoing amendments, Applicant respectfully submits that these rejections have been obviated and/or rendered moot. Without conceding to the propriety of the Examiner's rejections, but merely to timely advance the prosecution of the application, as the Examiner will note, independent claims 1 and 11 have been amended.

Independent claim 1 has been amended to recite a combination of steps including "performing a writing operation by increasing the writing power based on power update information when the current writing power is larger than an upper bound of the predetermined allowable range."

Independent claim 9 has been amended to recite a combination of elements including "a controller for increasing the writing power based on power update information when the current writing power is larger than an upper bound of the predetermined allowable range."

Support for the above combinations of steps and elements can be found in FIGs. 3-5 and the corresponding description in the specification as originally filed. Applicant respectfully submits that the above combinations of steps and elements set forth in claims 1 and 9 are not disclosed or suggested by the references relied on by the Examiner.

Takeda discloses that when the optimum power level exceeds the maximum allowable power level of the laser diode, the recoding strategy is changed (see col. 4, lines 60-63). The Examiner then referred to Takeda's maximum allowable power level of the laser diode as the predetermined allowable range of claims 1 and 9.

However, Takeda also discloses that when the optimum power level exceeds the maximum allowable power level of the laser diode, the recoding strategy is changed to a *low-*

*power strategy Stl using the power level Ptl*, which is *lower* than the maximum allowable power level Plim of the laser diode (see col. 7, lines 1-12; step S108 of FIG. 2). Therefore, when the optimum power level exceeds the maximum allowable power level of the laser diode, the recording power level will be *reduced* in Takeda. Accordingly, Takeda fails to teach “performing a writing operation by *increasing the writing power* based on power update information when the current writing power is larger than an upper bound of the predetermined allowable range” as recited in claim 1 and “a controller for *increasing the writing power* based on power update information when the current writing power is larger than an upper bound of the predetermined allowable range” as recited in claim 9. In fact, it is impossible for Takeda to increase the recording power because the laser diode cannot output the power higher than its maximum allowable power level.

With regard to the Examiner’s reliance on Ogawa, this reference has only been relied on for its teachings related to some dependent claims. This reference also fails to disclose the above combination of steps and elements as set forth in amended independent claims 1 and 9. Accordingly, this reference fails to cure the deficiencies of Takeda.

Accordingly, neither Takeda nor Ogawa individually or in combination teaches or suggests the above-noted features of amended independent claims 1 and 9. Therefore, Applicant respectfully submits that amended independent claims 1 and 9 and their dependent claims (at least due to their dependency) clearly define over the teachings of Takeda and Ogawa. Accordingly, reconsideration and withdrawal of the rejections under 35 U.S.C. §§ 102 and 103 are respectfully requested.

### **Additional Claims**

Additional claims 16 and 17 have been added for the Examiner's consideration.

Applicant respectfully submits that claims 16 and 17 are allowable due to their respective dependence on independent claims 1 and 9, as well as due to the additional recitations included in these claims.

Favorable consideration and allowance of additional claims 16 and 17 are respectfully requested.

### **Additional Cited References**

Since the remaining patents cited by the Examiner have not been utilized to reject the claims, but rather to merely show the state of the art, no further comments are necessary with respect thereto.

### **CONCLUSION**

All the stated grounds of rejection have been properly traversed and/or rendered moot. Applicant therefore respectfully requests that the Examiner reconsider all presently pending rejections and that they be withdrawn.

It is believed that a full and complete response has been made to the Office Action, and that as such, the Examiner is respectfully requested to send the application to Issue.

In the event there are any matters remaining in this application, the Examiner is invited to contact the undersigned at (703) 205-8000 in the Washington, D.C. area.

Application No. 10/790,728  
Amendment dated April 30, 2007  
Reply to Office Action of January 4, 2007

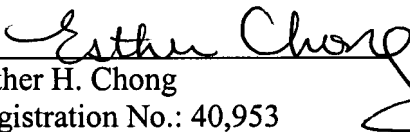
Docket No.: 2950-0254P

Page **11** of **11**

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§1.16 or 1.17; particularly, extension of time fees.

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Respectfully submitted,

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**Attachment: Replacement sheets**